

**AFFIDAVIT**

I, John P. Armstrong, being duly sworn under oath, depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. Your Affiant is a Special Agent (SA) for the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI), and have been so employed since March of 2023. HSI is the primary investigative arm of DHS. Your Affiant is currently assigned to the Resident Agent in Charge (RAC) office in Minot, North Dakota. Your Affiant has undergone twenty-six (26) weeks of training in relation to numerous investigative authorities allotted to HSI at the Federal Law Enforcement Training Center (FLETC), to include but not limited to, drug trafficking, money laundering, child sexual abuse material (CSAM), and immigration. Your Affiant has a Bachelor of Arts degree in Philosophy from Texas A&M University.

**SUMMARY DESCRIPTION**

2. This Affidavit is submitted in support of a Criminal Complaint for Noel Antonio ESPINO-CERVANTES, charging Noel Antonio ESPINO-CERVANTES with Illegal Reentry After Removal, in violation of 8 U.S.C. § 1326(a)(1). The statements in this Affidavit pertain to the investigation described below and are based on your Affiant's own investigation and experience, and the investigation and experience of other law enforcement officers and agencies. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

**PROBABLE CAUSE**

3. On May 10, 2025, Noel Antonio ESPINO-CERVANTES was arrested by the Watford City Police Department (WPD) for Driving Under the Influence in violation of NDCC 39-08-01, a B misdemeanor offense. Noel Antonio ESPINO-CERVANTES presented a Mexican

Driver's license at the time of his arrest. Mckenzie County Corrections Center (MCCC) notified Enforcement and Removal Operations (ERO) Deportation Officer (DO) Dustin Plummer in Minot, ND, that Noel Antonio ESPINO-CERVANTES would be released from custody on May 11, 2025. On May 11, 2025, ERO DO Plummer conducted an immigration inspection and determined that the individual was Noel Antonio ESPINO-CERVANTES, that ESPINO-CERVANTES is a citizen and national of Mexico with no permission to live, work, or reside, legally, in the United States. Noel Antonio ESPINO-CERVANTES also stated that he is a citizen and national of Mexico with no permission to live, work, or reside, legally, in the United States. ERO DO Plummer transported Noel Antonio ESPINO-CERVANTES to Minot, ND, to process Noel Antonio ESPINO-CERVANTES for removal. Your affiant was not able to locate any record of Noel Antonio ESPINO-CERVANTES applying for, or being granted, permission to re-enter the United States by the Attorney General or by his successor, the Secretary of the Department of Homeland Security

4. ERO DO Plummer queried Noel Antonio ESPINO-CERVANTES' name through immigration databases, which revealed that Noel Antonio ESPINO-CERVANTES was encountered twice previously and removed from the United States.

- a. On August 16, 2009, Noel Antonio ESPINO-CERVANTES was arrested by the Texas Department of Public Safety (DPS) for Driving While Intoxicated. DPS contacted ICE and an immigration detainer was placed on Noel Antonio ESPINO-CERVANTES. On September 01, 2009, Noel Antonio ESPINO-CERVANTES turned over to immigration authorities in Lubbock, Texas. Noel Antonio ESPINO-CERVANTES granted a Voluntary Return. On September 01, 2009, Noel Antonio

ESPINO-CERVANTES was removed to Mexico through the Presidio, Texas, Port of Entry.

- b. On October 16, 2012, Noel Antonio ESPINO-CERVANTES was encountered by United States Border Patrol (USBP) in Laredo, Texas. Noel Antonio ESPINO-CERVANTES was issued an Expedited Removal Order and removed from the United States on October 20, 2012, at the Calexico, California, Port of Entry.

5. Noel Antonio ESPINO-CERVANTES was advised of his right to consular notification. Noel Antonio ESPINO-CERVANTES declined the opportunity to contact the consulate. Noel Antonio ESPINO-CERVANTES is currently in ERO custody being held at Burleigh Morton Detention Center.

### **CONCLUSION**

6. Based on my training and experience, and the foregoing facts, I believe there is probable cause that Noel Antonio ESPINO-CERVANTES is in the United States illegally following prior removal, in violation of 8 U.S.C. § 1326(a)(1) (Illegal Reentry After Removal).

7. I swear that the facts presented herein are true and accurate to the best of my knowledge and belief.

### *Warrant Request*

8. Based on the above-mentioned information, I respectfully request this Court to issue an arrest warrant for Noel Antonio ESPINO-CERVANTES.

Respectfully submitted,

**JOHN P  
ARMSTRONG**

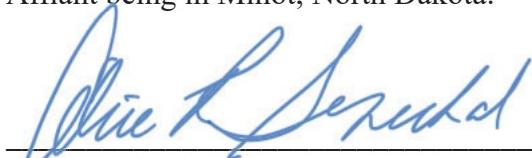
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P ARMSTRONG  
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John P. Armstrong  
Special Agent

Homeland Security Investigations

Subscribed and sworn to before me on this 23<sup>rd</sup> day of May, 2025, by telephone, with the  
Affiant being in Minot, North Dakota.



Alice R. Senchal  
United States Magistrate Judge